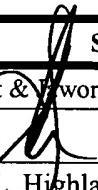


|  |   |  |   |                 |        |
|--|---|--|---|-----------------|--------|
| <b>TRANSMITTAL<br/>FORM</b>  |   | <b>Application Number:</b> 10/526,354  |   |                 |        |
|  |   | <b>Filing Date:</b> February 25, 2005  |   |                 |        |
|  |   | <b>First Named Inventor:</b> Martin Beer   |   |                 |        |
|  |   | <b>Art Unit:</b> Unknown   |   |                 |        |
|  |   | <b>Examiner Name:</b> Unknown  |   |                 |        |
| <b>Total Number of Pages in this Submission :</b> _____  |   | <b>Attorney Docket Number:</b> DEBE:049US  |   |                 |        |
| <b>ENCLOSURES (check all that apply)</b>   |   |  |   |                 |        |
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> References _____<br><br><input type="checkbox"/> Certified Copy of Priority Documents<br><br><input checked="" type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input checked="" type="checkbox"/> Reply to Missing Parts/Requirements<br><input checked="" type="checkbox"/> Declaration(s) _____<br><input checked="" type="checkbox"/> Copy of Notice of Missing Parts/Requirements | <input type="checkbox"/> Drawings(s) _____<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input checked="" type="checkbox"/> Power of Attorney, Revocation,<br>Change of Correspondence Address<br><input type="checkbox"/> Statement under 37 CFR §3.73(b)<br><input type="checkbox"/> Designation of Patent Practitioners<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)<br><input type="checkbox"/> Check in the amount of \$ _____<br><input checked="" type="checkbox"/> Authorized to be charged to deposit account if check insufficient or inadvertently omitted<br><input type="checkbox"/> Deposit account number: 50-1212/DEBE:049US<br><input type="checkbox"/> Sequence Statement<br><input type="checkbox"/> Paper Copy of Sequence Listing<br><input type="checkbox"/> Computer Readable Form (CRF)<br><input checked="" type="checkbox"/> Postcard<br><input type="checkbox"/> _____<br><input type="checkbox"/> _____ |   |                 |        |
|  |   | Remarks:   |   |                 |        |
|  |   | <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>  |   |                 |        |
|  |   | Firm Name  | Fulbright & Jaworski L.L.P.   | Customer Number | 32425  |
|  |   | Signature  |  |                 |        |
|  |   | Printed Name   | Steven L. Highlander  | Reg. No.        | 37,642 |
|  |   | Date   | January 17, 2006  |                 |        |

EXPRESS MAIL MAILING LABEL  
 NUMBER: EV 414867162 US  
 DATE OF DEPOSIT January 17, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Martin Beer *et al.*

Serial No.: 10/526,354

Filed: February 25, 2005

For: NON-HUMAN HERPESVIRUSES AS  
VECTORS

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: DEBE:049US

EXPRESS MAIL MAILING LABEL

NUMBER EV 414867162 US

DATE OF DEPOSIT January 17, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MS PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

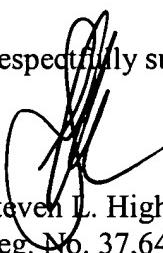
In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), dated November 17, 2005, there are enclosed herewith:

- (a) Declaration executed on behalf of Martin Beer, Nikolaus Osterrieder, Jens Rudolph, Sascha Trapp, and Ralf Wagner;
- (b) A Power of Attorney on behalf of GENEART GMBH;
- (c) A Preliminary Amendment; and
- (d) A copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).

An Assignment to GENEART GMBH and a check for \$40.00 are being filed under separate cover.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

  
Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: January 17, 2006

PCT/EP03/09685 17 JAN 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

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|   |  |  |
|---|--|--|
| U.S. APPLICATION NUMBER NO.   | FULBRIGHT & JAWORSKI L.P.<br>IP7 DOCKETING<br>Docketed <input checked="" type="checkbox"/> Not Req'd <input type="checkbox"/> Confirmation <input checked="" type="checkbox"/> | ATTY. DOCKET NO.                                     |
| 10/526,354  | Martin Beer  | DEBE:049US   |
| 32425<br>FULBRIGHT & JAWORSKI L.L.P.<br>600 CONGRESS AVE.<br>SUITE 2400<br>AUSTIN, TX 78701 | Initials 1st <u>JH</u> Initials 2nd <u>ML</u>  | INTERNATIONAL APPLICATION NO.                        |
|   |  | PCT/EP03/09689                                       |
|   |  | I.A. FILING DATE 09/01/2003 PRIORITY DATE 08/30/2002 |
|   |  | CONFIRMATION NO. 8965                                |
|   | Docket No. <u>DEBE:049US</u><br>Action Req'd   | 371 FORMALITIES LETTER                               |
|   | Date Due   |  |
|   |  | *OC00000017431441*                                   |

Date Mailed: 11/17/2005

Missing Parts due 1/17/06. Final 6/17/06.

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/25/2005
- Copy of the International Search Report filed on 02/25/2005
- Preliminary Amendments filed on 02/25/2005
- U.S. Basic National Fees filed on 02/25/2005
- Priority Documents filed on 02/25/2005
- Specification filed on 02/25/2005
- Claims filed on 02/25/2005
- Abstracts filed on 02/25/2005
- Drawings filed on 02/25/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

TAMALA D HOLLAND

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Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/526,354                  | PCT/EP03/09689                | DEBE:049US       |

FORM PCT/DO/EO/905 (371 Formalities Notice)